

EXHIBIT A

Allegra Noonan

From: Theresa Trzaskoma
Sent: Wednesday, August 9, 2023 9:56 AM
To: Don Rehkopf; Allegra Noonan
Cc: Foti, Catherine M.; Rita Glavin
Subject: Re: [External] RE: Activity in Case 1:23-mc-01587-LDH-TAM Cuomo v. Boylan Order

Also, for the avoidance of doubt, we have not publicly filed or otherwise disclosed any of your client's testimony related to (i) the OAG investigation or (ii) your client's texts with Lindsey Boylan, which are the only two categories of testimony that you purported to designate as confidential.

We are available to meet and confer about the confidentiality issues, as per the Court's direction – let us know what works for you.

From: Theresa Trzaskoma <TTrzaskoma@shertremonte.com>
Date: Wednesday, August 9, 2023 at 8:31 AM
To: Don Rehkopf <usmilitarylaw@gmail.com>, Allegra Noonan <anoonan@shertremonte.com>
Cc: Foti, Catherine M. <CFoti@maglaw.com>, Rita Glavin <rglavin@glavinpllc.com>
Subject: Re: [External] RE: Activity in Case 1:23-mc-01587-LDH-TAM Cuomo v. Boylan Order

Don, you are incorrect. We sent the transcript to you on July 14. See attached.

From: Don Rehkopf <usmilitarylaw@gmail.com>
Date: Wednesday, August 9, 2023 at 8:20 AM
To: Allegra Noonan <anoonan@shertremonte.com>
Cc: Foti, Catherine M. <CFoti@maglaw.com>, Theresa Trzaskoma <TTrzaskoma@shertremonte.com>, Rita Glavin <rglavin@glavinpllc.com>
Subject: Re: [External] RE: Activity in Case 1:23-mc-01587-LDH-TAM Cuomo v. Boylan Order

How did the media get a copy of my client's deposition when I don't even have it, despite specifically asking for it?

On Tue, Aug 8, 2023 at 11:14 PM Allegra Noonan <anoonan@shertremonte.com> wrote:

Don,

Further to Cathy's points, you must be aware that our filings have emphasized that your client is not an accuser, contrary to how the press continues to report it. We are simply not responsible for the media's persistent inaccuracies.

Thank you,

Allegra



Allegra Noonan (She/Her)

90 Broad Street, 23rd Floor | New York, NY 10004

tel: 212.300.2449 | fax: 212.202.4156

anoonan@shertremonte.com

www.shertremonte.com



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From: Foti, Catherine M. <CFoti@maglaw.com>

Sent: Tuesday, August 8, 2023 10:09 PM

To: Allegra Noonan <anoonan@shertremonte.com>

Cc: Don Rehkopf <usmilitarylaw@gmail.com>; Theresa Trzaskoma <TTrzaskoma@shertremonte.com>; Rita Glavin <rglavin@glavinpllc.com>

Subject: Re: [External] RE: Activity in Case 1:23-mc-01587-LDH-TAM Cuomo v. Boylan Order

As you know Don, I emailed you last week (and then followed up with a call to make sure you saw the email) and confirmed that we were releasing the transcript portions you AGREED were not confidential and that we would await the court's decision on the portions referring to the AG testimony. So I am having a difficult time understanding what the change in your position could be.

As for the Times, as Allegra already told you, transcript portions were filed and available on the public docket. To the extent the Times refers to your client as an accuser, that is the Times' description.

Finally, the defendants have nothing to do with the WDNY group discussed in the Times.

Catherine M. Foti

Morvillo Abramowitz Grand Iason & Anello PC

565 Fifth Avenue

New York, NY 10017

212-880-9530 (Direct)

212-856-9494 (Fax)

CFoti@maglaw.com

www.maglaw.com

Error! Filename not specified.

On Aug 8, 2023, at 9:27 PM, Allegra Noonan <anoonan@shertremonte.com> wrote:

Don, as you know, we attached certain excerpts from your client's deposition to a recent court filing. The filed excerpts were not confidential, and we were obligated to file them publicly. To the extent your client's position has changed, we should meet and confer about that, as per the Court's direction.

As for authentication, neither you nor your client requested an opportunity to review and sign the transcript, nor have you or your client indicated that the transcript is inaccurate in any way. If your client wishes to provide us with an errata sheet, we can get that to the court reporter.

Thank you,

Allegra

<image001.jpg> **Allegra Noonan (She/Her)**

90 Broad Street, 23rd Floor | New York, NY 10004

tel: 212.300.2449 | fax: 212.202.4156

anoonan@shertremonte.com

www.shertremonte.com

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<image003.jpg>

<image004.jpg>

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From: Don Rehkopf <usmilitarylaw@gmail.com>

Sent: Tuesday, August 8, 2023 12:56 PM

To: Allegra Noonan <anoonan@shertremonte.com>

Cc: Theresa Trzaskoma <TTrzaskoma@shertremonte.com>; Rita Glavin <rglavin@glavinpllc.com>;

Catherine M. Foti <cfoti@maglaw.com> <cfoti@maglaw.com>

Subject: Re: Activity in Case 1:23-mc-01587-LDH-TAM Cuomo v. Boylan Order

There is a change in our position which I am working on right now. Getting the *NY Daily News* to list her as an accuser did not sit well with my client for obvious reasons; and then releasing her *unauthenticated* Deposition testimony to both the NYT and Madeline Cuomo's "hit team," did not brighten her day either.

I'll be in touch.

On Tue, Aug 8, 2023 at 12:27 PM Allegra Noonan <anoonan@shertremonte.com> wrote:

Don,

Thank you for your response. In the event that your client is reconsidering her position, we think it is appropriate to meet and confer on this before tomorrow, per the Court's entry below.

Please let us know.

Thank you,

Allegra

<image001.jpg>

Allegra Noonan (She/Her)

90 Broad Street, 23rd Floor | New York, NY 10004

tel: 212.300.2449 | fax: 212.202.4156

anoonan@shertremonte.com

www.shertremonte.com

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From: Don Rehkopf <usmilitarylaw@gmail.com>
Sent: Wednesday, August 2, 2023 4:43 PM
To: Theresa Trzaskoma <TTrzaskoma@shertremonte.com>
Cc: Allegra Noonan <anoonan@shertremonte.com>; Rita Glavin <rglavin@glavinpllc.com>; Catherine M. Foti (<cfoti@maglaw.com>) <cfoti@maglaw.com>
Subject: Re: Activity in Case 1:23-mc-01587-LDH-TAM Cuomo v. Boylan Order

I am meeting with my client tomorrow. She wants to clarify our position. I will advise, but as you know, as a non-party any options are limited.

Thanks,

On Wed, Aug 2, 2023 at 4:35 PM Theresa Trzaskoma <TTrzaskoma@shertremonte.com> wrote:

Don, we understand from our prior conversations that you do not intend to submit anything to the Court on the confidentiality issue, at least as the OAG information. Can you confirm that is still correct and that you will not file anything on this issue?

From: Theresa Trzaskoma <TTrzaskoma@shertremonte.com>
Sent: Tuesday, August 1, 2023 7:40 PM
To: Don Rehkopf <usmilitarylaw@gmail.com>
Cc: Allegra Noonan <anoonan@shertremonte.com>; Rita Glavin <rglavin@glavinpllc.com>
Subject: FW: Activity in Case 1:23-mc-01587-LDH-TAM Cuomo v. Boylan Order

Don, please see the below order, which we are forwarding to you at the Court's request.

From: ecf_bounces@nyed.uscourts.gov <ecf_bounces@nyed.uscourts.gov>
Date: Tuesday, August 1, 2023 at 7:22 PM

To: nobody@nyed.uscourts.gov <nobody@nyed.uscourts.gov>

Subject: Activity in Case 1:23-mc-01587-LDH-TAM Cuomo v. Boylan Order

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U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 8/1/2023 at 7:21 PM EDT and filed on 8/1/2023

Case Name: Cuomo v. Boylan

Case Number: [1:23-mc-01587-LDH-TAM](#)

Filer:

Document Number: No document attached

Docket Text:

ORDER: The Court is in receipt of Movant Cuomo's Sealing Motion ([22]), requesting to file a brief, exhibits including text messages, and certain portions of testimony from the deposition of non-party Ana Liss-Jackson under seal. As noted in Movant Cuomo's cover letter, Cuomo seeks to file the brief publicly, but has indicated portions of the brief that include information designated as confidential during discovery. The Court is mindful that Movant Cuomo's Memorandum of Law is clearly a "judicial document," and is highly "relevant to the performance of the judicial function and useful in the judicial process." *United States v. Amodio*, 44 F.3d 141, 145 (2d Cir. 1995). The Court reminds counsel that the parties' confidentiality designations do not provide a basis for sealing, and that legal and factual argument are highly relevant to the judicial function and are afforded a strong presumption of public access. See *Cumberland Packing Corp. v. Monsanto Co.*, 184 F.R.D. 504, 506 (E.D.N.Y. 1999) (denying request for a protective order that would have required sealing of materials marked confidential by the parties). Ms. Boylan and Ms. Liss-Jackson are permitted to respond to Cuomo's sealing request, including any authority regarding the sealing of the information, and identifying any portions they do not object to being filed publicly, by 8/9/2023. As a courtesy to the Court, Movant Cuomo is respectfully directed to forward this Order to counsel for Ms. Boylan and Ms. Liss-Jackson, and to meet and confer with counsel for Ms. Boylan and Ms. Liss-Jackson regarding the scope of the proposed sealing request. Ordered by Magistrate Judge Taryn A. Merkl on 8/1/2023. (JF)

1:23-mc-01587-LDH-TAM Notice has been electronically mailed to:

Theresa Trzaskoma ttrzaskoma@shertremonte.com, docket@shertremonte.com

Julie R. F. Gerchik jgerchik@glaserweil.com

Rita M Glavin rglavin@glavinpllc.com

Karen Friedman Agnifilo kagnifilo@danyaperrylaw.com

Michaelene Kennedy Wright mwright@glavinpllc.com

Rachel Lauren Fleder rfleder@danyaperrylaw.com

Allegra Noonan anoonan@shertremonte.com

E. Danya Perry dperry@danyaperrylaw.com, docketing@danyaperrylaw.com,
paralegals@danyaperrylaw.com

Allegra Ausilia Noonan anoonan@shertremonte.com

1:23-mc-01587-LDH-TAM Notice will not be electronically mailed to:

--

Don

DONALD G. REHKOPF, JR.,

Attorney-at-Law

31 East Main Street

4th Floor (Philippone Suite)

Rochester, New York 14614

(585) 363-5903 (Office)

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Don

DONALD G. REHKOPF, JR.,

Attorney-at-Law

31 East Main Street

4th Floor (Philippone Suite)

Rochester, New York 14614

(585) 363-5903 (Office)

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--

Don

DONALD G. REHKOPF, JR.,
Attorney-at-Law
31 East Main Street
4th Floor (Philippone Suite)
Rochester, New York 14614
(585) 363-5903 (Office)

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Allegra Noonan

From: Theresa Trzaskoma
Sent: Wednesday, July 12, 2023 6:37 PM
To: Don Rehkopf
Cc: Rita Glavin; Daniel J. Moore; Joshua D. Steele; Catherine Foti; Allegra Noonan; Leo Korman
Subject: RE: Ana Liss - Trooper 1

Also, section 63(8) specifically provides that any subpoenas will be issued pursuant to the "civil practice law and rules" :

The attorney-general, his deputy, or other officer, designated by him, is empowered to subpoena witnesses, compel their attendance, examine them under oath before himself or a magistrate and require that any books, records, documents or papers relevant or material to the inquiry be turned over to him for inspection, examination or audit, pursuant to the civil practice law and rules.

Perhaps you want to check the subpoena Ms. Liss received from the AG to refresh yourself on the nature of the investigation. I am sure that it specifically references the CPLR and sets out the AG's statutory authority in conducting it and taking testimony under 63(8).

Thanks.

From: Theresa Trzaskoma
Sent: Wednesday, July 12, 2023 6:24 PM
To: Don Rehkopf <usmilitarylaw@gmail.com>
Cc: Rita Glavin <rglavin@glavinpllc.com>; Daniel J. Moore <Dmoore@harrisbeach.com>; Joshua D. Steele <jsteele@harrisbeach.com>; Catherine Foti <CFoti@maglaw.com>; Allegra Noonan <anoonan@shertremonte.com>; Leo Korman <LKorman@glavinpllc.com>
Subject: RE: Ana Liss - Trooper 1

Don, who advised you that the OAG was conducting a criminal investigation? That is simply incorrect. Indeed, at the outset of your client's testimony, the OAG investigator specifically confirmed that it was conducting "a civil investigation" pursuant to NY Executive Law 63(8). Tr. 5-6.

From: Don Rehkopf <usmilitarylaw@gmail.com>
Sent: Wednesday, July 12, 2023 5:33 PM
To: Theresa Trzaskoma <TTrzaskoma@shertremonte.com>
Cc: Rita Glavin <rglavin@glavinpllc.com>; Daniel J. Moore <Dmoore@harrisbeach.com>; Joshua D. Steele <jsteele@harrisbeach.com>; Catherine Foti <CFoti@maglaw.com>; Allegra Noonan <anoonan@shertremonte.com>; Leo Korman <LKorman@glavinpllc.com>
Subject: Re: Ana Liss - Trooper 1

The statute covers the "intentional[] disclos[ure] to another the nature or substance of any grand jury testimony," and "any decision, result **or other matter** attending a grand jury proceeding which is required by law to be kept secret."

At the time of the original subpoena, 2021, we were advised that this was part of a **criminal investigation**, which is why my client retained me (as well as for my experience with federal labor law matters) and plaintiffs' employment law, federal and state (4 years until the firm disbanded).

Thus, we are **not** in agreement and by virtue of the AG's representations as to the criminal nature of those proceedings-as well as swearing her to secrecy--our position remains the same. A judicial order, which we will take **no position** on nor oppose, will resolve this issue.

I am sorry, as your litigation herein did not create this problem and my client's position as noticed earlier, remains the same.

Regards,

On Wed, Jul 12, 2023 at 4:40 PM Theresa Trzaskoma <TTrzaskoma@shertremonte.com> wrote:

Don, the provision of the penal law you cite concerns the disclosure of grand jury materials. Ms. Liss did not testify in front of a grand jury (or in any criminal proceeding), so that provision has no applicability to whether your client's testimony in the OAG investigation. With this clarification, are we in agreement?

From: Don Rehkopf <usmilitarylaw@gmail.com>

Sent: Wednesday, July 12, 2023 4:34 PM

To: Theresa Trzaskoma <TTrzaskoma@shertremonte.com>

Cc: Rita Glavin <rglavin@glavinpllc.com>; Daniel J. Moore <Dmoore@harrisbeach.com>; Joshua D. Steele <jsteele@harrisbeach.com>; Catherine Foti <CFoti@maglaw.com>; Allegra Noonan <anoonan@shertremonte.com>; Leo Korman <LKorman@glavinpllc.com>

Subject: Re: Ana Liss - Trooper 1

I would tend to agree with you, **but for** the CPL provision I cited. The question is, is it *legally* in the public domain? But, we won't object if you seek judicial clarification. My problem is **Penal Law** sec. 215.70, while my client *could* consent, she never did, and does not now.

That being said, it would seem that the ball is back in the AG's court. We won't intervene, but we're not consenting.

On Wed, Jul 12, 2023 at 3:08 PM Theresa Trzaskoma <TTrzaskoma@shertremonte.com> wrote:

Thanks, Don.

I'm somewhat confused about your second point. As you know, most of your client's OAG testimony is already in the public domain, with the exception only of the redacted portions. So even if her OAG testimony had been confidential and not subject to disclosure at one point, it no longer is. In addition, on May 17, the OAG confirmed that nothing in Executive Law Section 63(8) prevented your client from testifying about the relevant events in the Trooper 1 Action. Thus, as I said below, our view is that your client's deposition testimony about anything already in the public domain is not confidential. Do we agree on that?

From: Don Rehkopf <usmilitarylaw@gmail.com>

Sent: Wednesday, July 12, 2023 2:34 PM

To: Theresa Trzaskoma <TTrzaskoma@shertremonte.com>

Cc: Rita Glavin <rglavin@glavinpllc.com>; Daniel J. Moore <Dmoore@harrisbeach.com>; Joshua D. Steele <jsteele@harrisbeach.com>; Catherine Foti <CFoti@maglaw.com>; Allegra Noonan <anoonan@shertremonte.com>; Leo Korman <LKorman@glavinpllc.com>

Subject: Re: Ana Liss - Trooper 1

I've had an opportunity to discuss this with my client and our responses are as follows:

1. Matters she discussed with the media, e.g., WSJ, etc., are **not** confidential;
2. My client as well as myself, were, and **are** of the opinion that her NYAG testimony is both "confidential" and was **not** subject to disclosure per NY ***Criminal Procedure Law*** Sec. 190.25(4)(a). Our prior consent to the NYAG to the release of an *unredacted* copy of her testimony was with the understanding that it was covered by the Court's Confidentiality Order. Neither she nor myself were consulted by the AG's office prior to their public posting;
3. Lastly, with respect to my client's personal communications with Ms. Boylan, absent a modification of the Court's Confidentiality Order, we believe and assert that they are and should remain confidential.

I trust this answers your questions, if not, just ask.

Regards,

On Tue, Jul 11, 2023 at 3:57 PM Theresa Trzaskoma <TTrzaskoma@shertremonte.com> wrote:

Don, I hope your wrist is healing. Regarding yesterday's deposition, can you please let us know whether your client believes any of it should be designated as confidential? I believe that most of the testimony concerned issues already in the public domain, including concerning your client's statements to the media and your client's testimony to the NYAG. In addition, we do not believe that Ms. Boylan's communications with your client are entitled to be designated as confidential under the Protective Order. But please let us know your client's position.

Thank you,

Theresa

From: Don Rehkopf <usmilitarylaw@gmail.com>

Date: Monday, July 10, 2023 at 1:33 PM

To: Theresa Trzaskoma <TTrzaskoma@shertremonte.com>

Cc: Rita Glavin <rglavin@glavinpllc.com>, Daniel J. Moore <Dmoore@harrisbeach.com>, Joshua D. Steele <jsteele@harrisbeach.com>, Catherine Foti <CFoti@maglaw.com>, Allegra Noonan <anoonan@shertremonte.com>, Leo Korman <LKorman@glavinpllc.com>

Subject: Re: Ana Liss - Trooper 1

So do I. Thanks for your concerns.

On Mon, Jul 10, 2023, 1:25 PM Theresa Trzaskoma <TTrzaskoma@shertremonte.com> wrote:

OMG, Don. I didn't doubt you. That is terrible. I hope you heal up soon!!

Sent from my iPhone

On Jul 10, 2023, at 1:05 PM, Don Rehkopf <usmilitarylaw@gmail.com> wrote:

In case anyone doubts my bona fides about not being able to appear today, here is a comparative photo of my wrists on Saturday; by yesterday, the swelling had doubled and it was bright red, which is why the Doc admitted me to the hospital.

On Mon, Jul 10, 2023 at 9:21 AM Don Rehkopf <usmilitarylaw@gmail.com> wrote:

I'm not going to be available you. I suffered a major wrist injury to my dominant hand, which in turn got grossly infected. I spent all day Sunday in the hospital and got home at 2:15 am .

My client will waive my presence on the condition that, if necessary, she can telephonically contact me.

On Fri, Jul 7, 2023, 7:27 PM Rita Glavin <rglavin@glavinpllc.com> wrote:

Don—

I am driving to Rochester on Sunday and staying at a hotel overnight. I will see you and Ms. Liss at Harris Beach on Monday at 10am.

Thanks,

Rita

Rita M. Glavin

Glaevin PLLC

156 West 56th Street, #2004

New York, NY 10019

New York, NY 10025

tel: [\(646\) 693-5505](tel:(646)693-5505)

rglavin@glavinpllc.com

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From: Daniel J. Moore <Dmoore@HarrisBeach.com>

Sent: Friday, July 7, 2023 5:12:21 PM

To: Don Rehkopf <usmilitarylaw@gmail.com>; Rita Glavin <rglavin@glavinpllc.com>

Cc: Theresa Trzaskoma <TTrzaskoma@shertremonte.com>; Joshua D. Steele <jsteele@HarrisBeach.com>; Catherine Foti <cfoti@maglaw.com>; Allegra Noonan <anoonan@shertremonte.com>; Leo Korman <LKorman@glavinpllc.com>

Subject: RE: Ana Liss - Trooper 1